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TRANSCRIPT

Legislative Meeting,
JOINT COMMITTEE ON REVISION OF EDUCATION CODE

Sheridan Hegland, Chairman
Nelson S. Dilworth, Vice-Chairman

December 4, 1959.

Mark Hopkins Hotel
San Francisco, California

Senators

Nelson S. Dilworth
Hugh P. Donnelly
Donald L. Grunsky

Assemblymen

William S. Grant
Sheridan N. Hegland
Jerome R. Waldie

Transcribed by:
Sophie Steiner, Secretary

ADVISORY MEMBERSHIP OF RESEARCH TEAMS

SCHOOL DISTRICT ORGANIZATION AND REORGANIZATION - Berkeley Under the direction of Dr. Edgar L. Morphet and Dr. John G. Ross

Mrs. A. F. Benton
Mr. Hal D. Caywood
Dr. Von T. Ellsworth
Mr. Peter Knoles
Mr. Robert E. Mc Kay
Mr. George Murry
Mr. Byron R. Snow
Mrs. Donald Sutcliffe
Dr. James R. Tormey
Mr. Thomas L. Weems
Mrs. W. W. Wood

Mr. Richard W. Dickenson
Mr. Robley E. George
Mr. Virgil G. Howard
Mr. Ralph Van Nortwick
Dr. Drayton Nuttall
Dr. T. R. Smedburg
Mr. Paul Walters

POWERS OF GOVERNING BOARDS AND ELECTIONS - San Jose Under the direction of Dr. Russell J. Kent

Mr. Richard Bartlett
Dr. Theodore L. Bystrom
Mr. George Gordon
Mr. John Martin Hoffmann
Mr. Charles L. Reilly
Dr. Thomas M. Riley
Mr. Rus Walton
Dr. Lawrence White

Mr. Keith Sorenson

SCHOOL CONSTRUCTION, SCHOOL PROPERTY FINANCING, AND BONDING - U.C.L.A. Under the direction of Dr. William S. Briscoe

Dr. Maxwell Benton
Mr. Owen J. Cook
Mr. J. F. Coakley
Mr. Louis A. Dean
Mr. Alton Scott

Mr. James Warren Beebe
Mr. David L. Bryant
Mr. Ralph Dailard
Mr. Clarence Langstaff
Mr. Douglas Newcomb
Mr. Herbert Mitchell

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(The Joint Legislative Committee on Revision of the Education Code convened a legislative meeting at 9:00 A. M., December 4, 1959, in the Argonaut Room of the Mark Hopkins Hotel, San Francisco, California. Present were Assemblyman Sheridan Hegland and Assemblyman William S. Grant. Assemblyman Hegland, Chairman, presided.)

CHAIRMAN HEGLAND: Gentlemen, this is a meeting of the Joint Committee for the Revision of the Education Code. On my immediate right is Assemblyman William Grant of Long Beach, a member of this Committee since it was first formed in 1957. On my left is the Committee Secretary, Miss Steiner. Dr. Engelbert who has been in a coordinating, supervisorial capacity. Assemblyman Waldie and Senator Grunsky have both planned, one as recently as yesterday, the other until fifteen minutes ago, to attend. Both are attorneys and both find themselves involved apparently in legal cases today.

There has been deliberately on the part of the Chairman, a reluctance to put out news releases because the feeling is that this Committee which has never sought publicity and have I think been relatively successful over the last three years now, the publicity we need is in professional channels and not in the general press. We will this morning have brief reports from the three teams and from the coordinator, Dr. Engelbert, and then we will have whatever discussion others wish to have, and all discussion is welcome and needed, for the balance of the morning. I think also I should add that tomorrow morning we will have one of our stars, Dr. Kent, flanked by other team captains and members, put on a performance for the general session of the School Board Association meeting.

CHAIRMAN HEGLAND: I think we should also announce the composition of certain of the advisory committees, and read them into the record. School district organization and reorganization, one team under the direction of Dr. Edgar Morphet and Dr. John Ross, both of whom we are fortunate in having with us today, people who will be working with them in an advisory capacity are: Mrs. A. F. Benton, Hal D. Caywood, Von T. Ellsworth, Peter Knoles, Robert McKay, George Murry, Byron Snow, Mrs. Donald Sutcliffe, James Tormey, Thomas Weems and Mrs. W. W. Wood. In a technical capacity, or in special capacities will be Richard Dickenson, Robley George, Virgil Howard, Ralph Van Nortwick and T. R. Smedburg.

Under the direction of Dr. Russell Kent of San Jose dealing with powers of governing boards and elections: Ted Bystrom, John Martin Hoffmann, Charles Reilly, Thomas M. Riley, Rus Walton and Larry White. With Mr. Keith Sorenson in a legal, technical capacity.

In school construction, property financing and bonding, under the competent direction of Dr. William S. Briscoe are Maxwell Benton, J. F. Coakley, Louis A. Dean, Alton Scott. We have been asked to add the name of David L. Bryant of Long Beach State College. In a technical capacity, James Warren Beebe and Clarence Langstaff.

I should like to again express the opinion of this Committee that any of these team captains, Drs. Briscoe, Kent, Morphet and Ross, should feel free themselves to expand the advisory committee for their own purposes to the extent that they think desirable, and they will receive letters from the Chairman officially notifying them.

We are delighted that the original suggestion of Senator Dilworth is being carried out and that County Counsels who are on the firing line will be working closely with each of these teams. Also the office has available all sorts of secretarial assistance through the pool and otherwise, so that any of the team captains should feel free to call on the secretarial facilities of the Sacramento Office.

The County Supervisors Association had nominated Francis Dunn who finds himself involved in other responsibilities, and the County Supervisors Association will appoint a new member. We will have to see what his interests are before of course we can appoint him to one of the subcommittees.

The purpose of this meeting is simply to have this brief review by the teams and their captains and will be presented by Ernie. I want to say that Dr. Engelbert has done and is doing a magnificent job. We were privileged to meet with the Board of Regents and make a presentation to the Board of Regents of a Resolution commending the University of California and the various other educational institutions and each of the people who participated during the first two years. At that time, we specifically mentioned the fine work of Dr. Jim Corley and Dr. Ernie Engelbert. Ernie, would you take over and make your own report and then bring in the various team captains.

DR. ENGELBERT: May I suggest, sir, that the Chairman go around the room and introduce the people who are here.

CHAIRMAN HEGLAND: I think that is an excellent choice, but I think the microphones can be passed and if each one should perhaps

introduce himself.

(from the audience)

DR. KENT: I'm Dr. Russell Kent, working with one of the technical teams on two areas, one the powers and duties of school boards, and the other, school elections.

DR. MORPHET: I'm Edgar Morphet, University of California, working with the team that is concerned primarily with laws relating to district organization and reorganization.

MR. HOFFMANN: I'm John Hoffmann, Christian Science Committee on Publication for Northern California and I am here for the purpose of giving whatever aid my limited experience will offer.

DR. ROSS: I'm John Ross, University of California, also working as a staff member on the organization, reorganization sections.

MR. SNOW: I'm Byron Snow, representing the superintendent's administrative group, the elementary superintendents, the secondary administrators and the junior college administrators in a joint effort to be of help on this Committee, and as Chairman of that group, I attend here in an advisory capacity.

MR. PARKER: Frank Parker, for Mr. Coakley, representing the District Attorney's Association.

DR. HOGAN: I am George Hogan, Deputy Superintendent, State Department of Education.

DR. BRISCOE: I'm William Briscoe one of the Chairmen of the research committees responsible for reviewing the code provisions covering the school property bonds and bonding and finance. I have with me one of the members of my team, Dr. Yett.

DR. YETT: Frank Yett, on Dr. Briscoe's team.

MR. SMITH: I'm Bryant Smith, on Russell Kent's team on powers of governing boards and elections.

DR. ELLSWORTH: My name is Von T. Ellsworth, California Farm Bureau Federation, trying to be helpful.

DR. BYSTROM: I'm Theodore Bystrom, Chairman of the California Association of School Administrators Code Revision Committee. I'm on Dr. Kent's committee on powers and duties of school boards.

MR. KIRKPATRICK: G. R. Kirkpatrick, Pope Valley, California. Observer for the California State Small School Boards Association.

MRS. SUTCLIFFE: Mrs. Donald Sutcliffe, San Francisco, representing the League of Women Voters of California.

DR. TORMEY: Jim Tormey, I used to represent somebody on the advisory committee, I'm at-large now, and on Dr. Morphet's team.

MR. CAYWOOD: Hal Caywood, County Superintendent of Schools, Santa Barbara County, representing the County Superintendents Association and advising on Dr. Morphet's team.

MR. WEEMS: I'm Tom Weems representing California Association of Adult Education Administrators also on Dr. Morphet's team.

CHAIRMAN HEGLAND: Thank you gentlemen and Mrs. Sutcliffe, very much. I think this reads almost like a roster of "Who's Who" in public schools in California. I wonder if we could have the Sergeant distribute these lists of present catagory of the various subcommittee advisory committee members. Let me again urge that these individual advisory subcommittees and or their captains in consultation with Ernie Engelbert, are certainly invited to expand

as necessary because this is certainly being operated democratically. Now, Ernie, the microphone belongs to you.

DR. ENGELBERT: Let me just review briefly the activities which have taken place since our last meeting, on August 13th. The members of the working staff have met on two occasions since that date to develop plans for the third stage of the Revision of the Education Code. The staff present included the leaders of the respective research teams and present at some of these meetings have been: Assemblyman Hegland, representative of the Legislative Counsel's Office on one occasion, Mr. Morrison, on another occasion Deputy Superintendent Hogan and on one occasion also the representative of the Senate Committee on Education, the staff member, Mr. Yelvington. The meetings were for the express purpose of moving forward upon the basis of the recommendations and comments that were made by the citizen's advisory committee on its meeting of August 13th. You will recall that at that meeting we discussed the subject matter priorities which should receive first attention in the code revision. On that basis, after considerable discussion, the three areas were delineated as the areas upon which we would work first. It was felt, you will recall, that we shouldn't try and work on the whole code at once on a substantive basis, but we should try and take areas which seem to have the greatest need and that we should try and complete the job in each area so that we would have some tangible results to present to the next general legislative session. On that basis the three subject matter areas as you have heard this morning have been local school district

organization and reorganization, the team chairman, or head or leader, we haven't used any titles around here, but in that capacity is Dr. Morphet of the School of Education. Associated very closely with him on this is Professor Ross who is Associate Director of the Field Services at the School of Education and former Assistant Superintendent of Schools of Kern County, and also associated with him on the staff is Marvin Ellenberg who is a third year law student, recommended highly by the Law School for this work. Closely associated will be the consulting legal staff of Messrs. Robley George and Richard Dickenson of the County Counsel's Office in San Joaquin County. The second team under the leadership of Professor William Briscoe is on the subject of finance and school construction. Professor Briscoe is at the University of California at Los Angeles and associated with him on that project are Dr. Frank Yett of the Pasadena City School System, teacher in the Junior College there. Mr. Henry Niles, an attorney at law with the firm of Anderson, Adams and Bacon in Rosemead. Professor Eric Lindman of the school of Education at U.C.L.A. and Herbert Mitchell, retired business manager of the San Bernardino School System, former President of the National School Business Officials Association. Participating as you will note from the advisory committee board list that was sent out, participating in a legal consulting capacity will be Mr. Clarence Langstaff of the Los Angeles County Counsel's Office. The third team is under the direction as you have heard, of Dr. Russell Kent, San Jose State College. Participating with him is Mr. Bryant Smith

who is here, who is a lawyer, and by the way also a candidate for the Ph.D. in Economics at Stanford. Associated with them as legal counsel will be Mr. Keith Sorenson, District Attorney of San Mateo County. I might say about these gentlemen, that they have all worked on Stage I and II of the Code, they come to the Code, not only with a lot of knowledge from their previous educational backgrounds, legal backgrounds, but also knowledge that they bring from the previous year and a half association with this Committee and its work. I want to assure the legislative members that they are very fortunate in getting men of this quality to participate as I also assure them that at stipends or honorariums as the case may be, far less than the value of their services. So we are very appreciative for that. You have received the list of the subcommittees of the advisory committee which will be associated with each team. It's the intention of the research teams to use these advisory subcommittees, to get their insights and knowledge as to what is desirable, about what is practicable. The advisory committees will meet with the staff teams as the staff teams feel the need for the meetings, however it is my understanding that each of the staff teams now that they have got some general conception of their plan of action, propose to have a meeting in the very near future with their subcommittees to go over with them the plan of work. In other words, the intention is to bring the subcommittees into the actual research process and not use them as merely facades for justifying the work that has been done. You will recall we had some comment from the advisory committee during

the past year, some members of the advisory committee, that they hoped now as we moved into the substantive stages of the project, that they could in some way be in closer association. Therefore, we do feel that this will offer that avenue. The Legislative Counsel's office, Sacramento, will be used as a legal review agency for the entire project and the staff teams will be free to call upon the Legislative Counsel's Office for advice as is necessary.

Perhaps at this point it might be well to turn the discussion over to the team leaders and have them give you briefly on an informal basis, since none of them have any prepared remarks to my knowledge, have them give you the picture as they see it in terms of their work plans and objectives. I start with Dr. Morphet, not necessarily because his subject is any more important than the others, he happens to be at the top of the list here, sitting along side of me, and Ed, say what you wish.

DR. MORPHET: Thank you Ernie. I will make a few brief comments about our work and progress thus far and then I would like to call on Dr. John Ross to give a little more detail in this area.

So far we have concentrated most of our attention on the problem of getting organized, to do the work that needs to be done. We have a staff that we think can carry this through now, with the possibility of the need for some little assistance later on. We have what we consider to be an excellent advisory committee and we hope to be ready the early part of the year for a meeting with the advisory committee. One thing we are doing at the present

time is analyzing the various sections of the code relating to district organization to find out what similarities there are in the provisions relating to the various kinds of districts and what differences. Out of that analysis we hope to have maybe a couple of pages or charts, if we can get this in two dimensions rather than the five or six we seem to have. A chart or a tabulation including a couple of pages that will for each type of district tell the provisions relating to each phase of organization, reorganization, annexation and such as that, so we can see what the differences are. We have identified a number of the differences and one thing we are thinking of is the possibility of a provision that might apply to all kinds of districts relating to reorganization. Then perhaps would be another relating to boundary changes and such as that. We are not sure how far we can go with that at this stage. We are thinking of course keeping within what I understand to be the policy of the Committee, no major substantive changes that would involve changes in policy. The changes we are thinking about are those that would involve the procedures and such as that, but not the policy. Now sometimes it is going to be difficult to differentiate I'm sure and we don't know how difficult that is going to be yet. We have one other resource, Dr. Henry Butler, Jr., he's the legal counsel for the Defense of Education through Democracy with his headquarters in Washington, D. C., happens to be working on a Doctor's degree with us and about three years ago he selected as his problem, the study of the laws of

California and of other states relating to district organization. I had a letter from him just yesterday stating within about ten days he hopes to have a draft of part of his analysis and his proposals ready for our consideration. We think that will be very helpful. I would like to call on John Ross to fill in with more details.

DR. ROSS: Thanks Ed. We visualize the possibility of pulling together these very numerous and in some respects quite different procedures for doing certain things in school districts, and into as few sets of procedures as possible. We are not at all sure just how far we can go with this and we will need the assistance of the advisory committee on two or three matters. In the first place after we make the preliminary analysis and are prepared to present it to the advisory committee in a way which will make for rather ready analysis of the problem on their part, we are going to have to decide how much forcing needs to be done in order to get these various procedures into some kind of similar pattern. In other words we find now there are some procedures for organizing school districts commence with petition of the electors having children in the school districts. Other procedures commence with petition of the majority of the electors in the district. Other procedures may commence with the petition of ten electors residing in two districts. There would seem to be the possibility of pulling these things together into some kind of uniform pattern. In some instances the procedures call for the advice or recommendation of the county committee on school district organization, by the county superintendent, in some instances the approval of the State Superintendent or the

State Board of Education are required. The possibility again of making more uniform these provisions for advice, recommendation or approval, we want to be in a position to consider. Some questions are settled by election in the district affected, some are settled by boards of supervisors, some are settled by election in portions of a district, and this would seem to be a type of situation which might be pulled together into a fairly uniform pattern. We find some cases make provision for appeal and review of school organization or reorganization so that a review board might set aside a decision that has already been taken by the electors. This needs to be made more uniform. This is the type of thing we see as being the major contribution at this stage of the study of our committee. We'll need the advice of the Committee first of all as to what forcing is reasonable within the framework of the committee's assignment, the stage III assignment, and also as to what procedures seem to be most desirable. Will we put our emphasis primarily on starting things by petition of electors having children in schools, or is there a better way to do it? I think this is the type of thing we would want to take up with our advisory committee at their first session, at least this is the way we visualize it and this may shift somewhat as the analysis develops and we can see more clearly what is involved.

The plan for analysis tentatively is to look at these existing procedures in terms of three dimensions and this may become somewhat complex, but we have two or three ways we think we can reduce it to something that is manageable and readily understandable. The first dimension is the type of district involved

and there are some eighteen different types of districts for which there are separate provisions in the law at present time for different kinds of organization, reorganization. The second dimension of the problem is the kind of change. We have identified eight different kinds of change that are presently provided for in the law. There is formation of districts from unorganized territory, this would apply actually only to junior college districts at the present time. There is formation of districts from part or parts of existing districts, there is formation of districts through combining of existing districts. There is annexation of districts, there is annexation of unorganized territory, transfer of territory from one district to another territory, transfer of districts from one say high school or junior college district to another and there is the problem of dissolution. This is our second dimension of the problem, the kind of change. Obviously if you multiply the eighteen by the eight, you see the complexity of the situation as it develops.

The third dimension of the problem is the procedural steps. There are procedural steps for initiating the process. There are procedure for approval or recommendation. There are different procedures for decision making, different procedures for appeal or review, different procedures for organizing the new district, different procedures for settling questions of property funds and obligations of the previous districts. So I think you can see the nature of the approach that we plan and we are wide open for suggestions on it and that's the present stage at which we find ourselves.

CHAIRMAN HEGLAND: Drs. Morphet and Ross I think these have been excellent presentations. And to break this up and before we forget it, many of you I see are taking notes. I think we might have the questions put to these two gentlemen now and I should like to announce that we hope before Christmas each member of the advisory committee, and each member of the technical staff and each member of the legislative committee will receive a complete transcript of this meeting so everyone will have this report to go back on, perhaps reducing the need for individual notes unless it is purely interim. Any of you should feel free to direct yourself without going through the Chair, any questions at either of these two men, or any comments or any suggestions. They need them I know.

MR. HOFFMANN: John Hoffmann speaking. I would like to know Dr. Ross, if it is your present plan on these various types of districts, the eighteen different types, having separate provisions and the various other dimensions you have here, if you endeavor to make a uniform procedure that insofar as it is possible, that will prevail and apply to all districts.

DR. ROSS: I think what we are going to have to do is reduce this to the minimum number possible and the optimum result. Perhaps the best thing that could be done under this plan is to have a single set of procedures for formation, a single set of procedures for annexation, a single set of procedures for each of these types of change and then having set those forth, make them applicable to all kinds of districts. We can visualize the possibility that this

may not be possible that we may have to make some exceptions for junior college districts or do something different for unified districts but we are beaming our approach in the direction of as nearly as possible reducing it to a single set of procedures.

DR. HOFFMANN: Thank you very much. You really answered the question I wanted to ask and didn't quite make.

DR. MORPHET: Could I add a comment to that. As Dr. Ross indicated, we are not sure how far we can go yet, but we at present envision something like this. We will find all of those respects in which it seems that uniform procedures can be developed without forcing too much, without getting out of bounds. Then, perhaps just following that, will come the exceptions, if there are any, that have to be made. In other words, if we could have the uniform procedure set up for or pertaining to the aspects with which we are dealing. Then if we need variations it seems apparent we need variations, that we would have the variations immediately following, so that we wouldn't have to look under another heading entirely for the variations. A couple of years ago, Paul Bowers, who is Principal at Eureka, completed a thesis on your area, Russ, the powers and duties of local governing boards and he tried this in connection with his thesis, with the idea that if we could set up the powers and duties of the local governing boards for a type of district that's common, these originally were set up in California for the common school district. Well that's no longer the typical district in terms of the evolution that is taking place. It may

be typical in numbers, but not typical in terms of population and such as that. And then he proceeded to make note of the variation that seemed to be necessary for that. So it is procedure something like that we have in mind and we intend to talk to Dr. Kent to see whether there is some possibility of uniformity of approach in the two committees in that respect.

DR. ELLSWORTH: This is Von T. Ellsworth. I'm not quite sure Ed, whether as to the difference in procedure of the Committee so far as procedural processes, that is, studies that involve procedure in contrast to policy. If I got your introductory remarks correct, why you are going in that order. You will discuss the procedural changes and then later policy changes. Can those be divided up with a clear line of demarcation or will there be sort of one part involved with the other and it would seem to me that probably the procedural would be highly descriptive and maybe the policy would be highly analytical. I'm not quite clear on that point. I wonder if I am the only one, or if you wanted to elucidate.

DR. MORPHET: Well, we are not quite clear yet either. We think it would not be within the province of this subcommittee to propose a distinct change in policy. For example there has been discussion in the State of mandatory reorganization of districts and such as that. Well that would be a distinct change in policy. We do not intend to get into that at all, but rather take what seems to be the intent of the laws and where the procedural variations are relatively minor, they

have been enacted at different times, maybe in some way we can reconcile those so that we are not changing basic policy, but simplifying the whole process.

CHAIRMAN HEGLAND: I think also that in case the Legislature has set contradictory or even contrary policies, we could very well within the scope of this Committee, select one of those policies as a guiding policy, in other words, I don't think we should necessarily feel ourselves too bound by each and every distinct intent of the Legislature.

DR. MORPHET: Mr. Chairman, that's one thing we had in mind. These minor procedural matters we think we could deal with the advice of the advisory committee without getting into a place where there might be some serious danger of complications. We thought that in the process we would identify these places where there are conflicts in policy and then of course, first with the advisory committee we'd take those up and see what can be done, and then perhaps even at some meetings with the Committee, we would want to discuss some of those before there is any actual re-writing done.

CHAIRMAN HEGLAND: Dr. Tormey.

DR. TORMEY: The question I was going to ask I think may be going back at least to first cousin relationship to Dr. Ellsworth's question. I noticed that both you and John used a phrase or a word rather, that maybe will be added to our vocabulary. I don't know whether you both used it intentionally or coincidentally. But in the past we have talked of Phase I, Phase II and Phase III. Both you and John, in referring to this same thing, spoke of "at

this stage". Now is what you had in mind is that "at this stage in Phase III", you were avoiding what John called a "forcing" of a major substantive change. Is this what you meant? Because here I'm harking back to something that was hit about three times at the August hearing in Sacramento when we asked whether phase III was to involve such a substantive change and approach for consideration somewhere that the Code may offer way 1 and way 2, but here is a way 3 situation. I'm pretty sure the committee on finance will have this on school building aid situation. CASA has just passed a resolution for example that suggest another way entirely of handling the matter of state aided school building. So was this word "stage" used accidentally, or deliberately?

DR. MORPHET: It was used I think to cover the limited progress of our thinking at this time. We really meant at this stage in our thinking. There are a good many uncertainties of course. As we move on through we hope with the help of the advisory committee to clear up a number of things and we'll get out of this stage of uncertainty in certain respects into a stage of certainty in other respects, but it will take quite a while to get out of the stage of uncertainty where there are conflicting policies involved. Do you want to supplement that, John?

DR. ROSS: I don't think so, Ed. I think it might be, perhaps to sharpen the issue a little bit, if we state specifically that one of the questions that perhaps could be better settled at

this meeting than later, is the question of whether shifting from, starting a process by petition of electors having children in school to starting it by having a petition of electors in the district. It would be our judgment at the moment that this would not constitute a policy change. If this is within the scope of the thing that pulling some of these procedures together would not alter the policy set up by the Legislature. I think there may be some limits. In some specific instances the Legislature has provided for appeals and review. I'm not sure whether to change that would be making a policy change or whether it would be merely a procedural change. This is the thing that we are somewhat uncertain about at this stage in our thinking.

CHAIRMAN HEGLAND: If I might add, Jim, to come more to the meat in the walnut, I can see no reason why this committee, along with making these substantive changes, can look for intent not only in the Education Code, but in other codes if we wish and certainly to have an administrative body review the decision of the electorate would not seem to be harmonious with other parts of the Code. Secondly, I can see no reason why we should not also be prepared in those cases where it is necessary and desirable to present a totally different possible way of doing a job, in case we wish. Yes, Doctor.

DR. ENGELBERT: It might be helpful at this stage in anticipation of the other reports to give you some picture of the timetable for this work as we see it. It is understood that we are trying to finish or complete certain subject areas

of the Code in time for presentation to the Legislature by September, 1960, in order to give the Legislative Committee a chance to hold hearings or in other ways review the work of the staff with the public. After all they are the ones who will have to be responsible for supporting it in terms of legislation. We have agreed to develop a progress report, a written progress report that can be presented to the Chairman and by the Chairman in turn to the Legislature for the Budget Session of 1960. It's possible that upon the completion of the work by September, 1960, in the area of school organization, that there are further basic issues of policy in the Code that should be studied. It's possible at that time that the Legislature, legislative committee, may wish to back further analysis, going into the harder questions of policy, but at this stage we agreed that we would not try to undermine the present ideological framework of the Code, that we for example, in district organization would not attempt to superimpose some kind of new district patterns or indeed remove from the Code certain kinds of districts. We are concerned that there is so much to do in the procedural aspects, the clarification of Code and I would add further in terms of the effectiveness of presentation. How it is to be presented so that it will be clear to the school administrators and to the public. This is something we haven't talked about much here. Maybe we should use more possible charts or formulae or other ways of presenting it in the Code to make it more useable and understandable. We feel that if we could take this group along through this stage, many of the issues which

will be substantive let's make clear that perhaps not basic policy, real fundamental policy, we will have made a major contribution. This has been the Committee's thinking all along in trying to conduct this work by stages and I think generally has had the understanding and support of the advisory committee so that we would not fall apart on some controversial issue at the first stage of the work.

CHAIRMAN HEGLAND: Thank you. Anyone feel free to raise their hand. For a group of educators the group are almost mute. Ernie if you would introduce your next team.

DR. ENGELBERT: I would suggest that since the relationships of powers of governing boards, elections are quite close to school district organization, Dr. Kent.

DR. KENT: I think this question of very close relationship is apparent to everyone here now. We can't talk about school elections, excepting as a process by which certain things are accomplished. Now the nature of the school election provisions obviously are going to depend upon what is done about school district organization. What is done about basic allocation of authority amongst the basic divisions in the State. We have all kinds of confusing questions and issues before us to be resolved. We have in elections for example, the question of the place of the County Superintendent of Schools, as an officer of the State, the place of the function of the County Board of Education as an elective body, the place of the local school district. I was a little bemused by the designation of numbers of kinds of districts. This depends on where it is you count them

in the Code and for what purpose. As you begin to count the kinds of districts for some other purposes than district reorganization, you will end up with a different number of kinds of districts. I don't think that with the statements in the Code, it is possible for anyone to make a definite statement as to the number of kinds of districts excepting as he identifies these in some specific context. These are all very difficult questions. Let me pass to something more specific. What have we accomplished. Largely our work to this point has been preliminary. We have been doing the preliminary study which is necessary inescapably of Constitutional provisions, of statutory provisions of the work that was done in preceding phases of this revision effort and the case of school elections which is our responsibility of the work done by the Code Revision Commission in 1955, I believe. This is beginning to point up directions in which we expect to work. In the case of elections, obviously we have a very large number of elections and a very large number of procedures. The objective is very clear. We wish to simplify and make uniform election procedures insofar as it is possible to accomplish this. As we proceed to accomplish this, we have these complications that have been referred to. We are going to have to relate our work very closely indeed to that which you do, Ed, in your group. What is done about school district organization is going to very largely dictate what we do about school elections. We are now in the process of just tabulating the different kinds of elections and the procedures in each of these. This itself, is quite an

undertaking. As far as the powers and duties of school board members, this is an even more complicated question. As Ed has pointed out, the statutory provisions which we find in the Code now, represents a historical collection of actions of the Legislature over a period of three fourths of a century. As we look at any specific provision in this, we have to take this, the necessity, the context and the total framework, and we of course wish, are very anxious as we begin to clarify some of the issues which begin to emerge as we study this to place these before our advisory group before we offer any specific recommendations to the Legislature. However, we wish to remain free to think of the Legislative scheme as being that which is shown in the framework as a whole, taking into account the actuality of what exists in California now, rather than to try section by section to determine what the Legislative intent may have been at the time this particular section was passed. We think if we have the freedom to do this, that we can bring about a great deal of simplification of statement of the law and that this will in a more orderly fashion permit the true legislative intent to be followed in the State of California. I think that any narrow interpretation of our responsibilities is having to operate within a framework of legislative intent narrowly defined would be so restrictive as to preclude any real accomplishment of substantive revision of the Education Code. So we are looking forward to trying to apply primarily two criteria in this question, one that of internal consistency as far as the Code is concerned, the other that of clarity. I think the job need not be complex, really.

It is complex because of the mass of information with which we have to deal, but as far as the objective, that which we wish to accomplish, the task need not be any more complex than we wish to make it. One of our great practical problems is actually providing the kind of continuous coordination between the efforts of these groups that we will need. Each of us, because we are separated by some space, have to operate away from the other groups, we are seeking each other's counsel and will do this more as we get into this. I think that we'll come up with the results that you want. It is kind of frightening to think of having all this done by September of 1960. We are trying to get done before two things happen, one before we run out of time and the other, before we run out of money.

CHAIRMAN HEGLAND: Thank you Dr. Kent, now there must be questions in this field. Dr. Ellsworth.

DR. ELLSWORTH: Dr. Kent, the question rose in my mind as to whether or not you will concern yourself with elections in other phases of governmental structure, so that in the end there will be a coordination not only as to dates as far as possible; date, occurs to me as being very important. So that we avoid a lot of these special school elections at which we have a small turnout and electors are inconvenienced by it. Will your consideration go beyond the scope of school election?

DR. KENT: Of necessity of course we have to concern ourselves with the Election Code as much as we do with the Education Code. Obviously, I think it is obvious, we concern ourselves with school elections primarily. We see our task

in doing this as being more than this however. We have been thinking and discussing our job in this way, this is rather arbitrary just a helpful device for us in thinking about the task, of setting forth revisions which would seem to be desirable just on the face of it. This would be simplification of procedure making procedure uniform. We don't think there should be much opposition to this if we can accomplish it. We think in doing this we will raise a number of issues, amongst them, this issue which you have raised and that as these issues are clarified, that it's our responsibility to present these as issues to the Legislature to be dealt with. But we see these as basic policy questions to be resolved by a Legislature, rather than by us.

MR. BYSTROM: Theodore Bystrom, speaking for the California Association of School Administrators Code Revision Committee. I think I am right in interpreting the position of that Committee in this respect, that one of the overall purposes of the committee is to attempt to secure simplification of the Code, and some of the points you describe here certainly are in that direction. I think we should commend the Legislative Committee and the Legislature for the first phase which they have completed, which is the reconstruction of the Code, the change in format, which I am sure all will agree has been a major step. In addition to that, I am sure many of the points which have been discussed here which relate to the attempt to remove overlapping and to generalize let us say certain functions with respect to powers and duties of boards of education as an illustration, if they can be generalized statements covering powers and duties of local

governing boards and insofar as possible bring together or eliminate differences among types of districts. Do I understand that that is one action which is contemplated for powers and duties as well as for organization, reorganization of districts?

DR. KENT: This is true and of course these things are very closely related. We will be talking with you just as soon as we can convene this Committee. This certainly has highest priority. We find ourselves in this state...the powers and duties set forth basically in relationship to a district which is non-operative in California today, this is the old common school district which was conceived in the last century. We then go on to making exceptions to this and consider these to be of little consequence and this is completely, I use the word advisedly, completely inconsistent with the policy of the Legislature as it is spoken in regard to district reorganization. We are working towards a unified district in the State of California. I think it is fair to state that the Legislature has indicated this in what it has done in recent legislation. I did not amplify my remarks as to the kinds of districts. We have districts categorized for purposes of determining the amount of power of the local board on the basis of size, as you know, elementary districts under 900, high school districts under 300 A.D.A., unified districts under 1500 A.D.A. We have districts categorized as city districts and non-city districts, with provisions for non-city districts to become quasi-city districts. I won't go further, but this is very confusing and as you try to set forth the powers and duties of boards, it is

almost impossible to straighten this out now.

MR. BYSTROM: Another point this committee has been very much interested in attempting to make provision for allowing greater discretionary authority to local governing boards. Would it be within the province of your committee to be concerned with this matter insofar as such discretionary power could be given to local governing boards within the framework of existing code without necessarily changing the existing code?

DR. KENT: This is something we are most anxious to discuss with our advisory committee.

I think this is all we can say now--if it is the conclusion of the advisory committee that this should be proposed to the Legislature, I think that certainly it would not be our position that we should stand in the way of this. Whether this should be proposed in the form of legislation which we would write or have written and offer to the Legislature or whether it should be proposed as an issue which we wish to define, these are matters which we need to clarify through the advisory board. We are looking forward to an early meeting when we can do this.

MR. BYSTROM: I think adding one more statement, the difference between stage and phase that Jim Tormey raised a little while ago. This Committee has generally set as phase III of its program that eventually there might be brought about an increase in the discretionary powers of local governing boards by limiting detailed restrictive provisions of the code, to whatever extent seems to be feasible.

DR. KENT: Before turning this over to the next group, I

think Bryant Smith might like to make some comment. Let me say we are most fortunate in having the services of Bryant Smith. He is an attorney, he is continuing his work as a candidate for the Ph.D. degree in Economics. He has worked with the Legislative Counsel's Office. In addition to this, he is teaching legislative writing currently in the Stanford Law School. I think this qualifies him very well, indeed. He has worked with us on the preceeding phases of this revision and I am altogether happy in having Bryant Smith. Bryant, are there remarks you would like to make?

MR. SMITH: I have very little to contribute at this stage. I started working on stage III just two and a half weeks ago, and have been devoting what time I have to analyzing or doing a first, what you could scarcely call an analysis of the sections with which we will be trying to work. Dr. Kent alluded to the problem of the various boards and superintendents in the State. This is the first major problem that has occurred to me. In attempting to clarify the duties of governing boards in school districts, I think that we will inevitably come across the problem of allocation of powers between or among governing boards at various levels and the various superintendents. To me it doesn't appear possible or even worthwhile to attempt a clarification of the duties of governing boards without laying before our advisory committee fairly basic issues of the discretion of local governing boards, these will be the higher or more centralized powers in the education area. I have nothing specific to say on the subject so far. I hope I will have some information

shortly to lay before the advisory committee. The questions to ask them, on this rather basic policy problem.

CHAIRMAN HEGLAND: Thank you very much. The Committee is, I know, very grateful to you with your very wonderful background to work with us. Any additional questions? Mr. Hoffmann.

MR. HOFFMANN: John Hoffmann, speaking. I'm slightly confused in regard to the mixing up of the phase II or stage II and stage III. At the present time, am I correct in assuming that the main thing we are interested in is to eliminate the overlapping and the obsolete and the non-operative portions of the code, or are we sort of working on both of them or has that been finished, if it is I missed it.

CHAIRMAN HEGLAND: Stage II or phase II is pretty well completed, except we have in the report itself in Appendix E, I believe, and if any of you wish extra copies of this, if you notify our office, you will receive them. We have a list of sections not yet amended from phase II and incidently, I would like to request Dr. Engelbert, that your IBM machines has no doubt already discovered the fact that many of these changes were made by other legislators, by other committees, that this should be perhaps corrected by the process of deletion and that we should then mail out to the advisory committee members from our office the sections which still have not been acted on. With that background, we are now talking about stage 1 of phase III.

DR. ENGELBERT: May I amplify the remark of Mr. Hegland that the 250 some odd items of legislation were culled from

stage II work which we felt that there were no substantive changes in the most cases, involved, in these pieces of legislation. These were reviewed by the Legislative Counsel's Office and have been identified for you in Appendix E of the Committee Report. It's possible that there are some other corrections that were overlooked on Stage II that are also non-substantive and which we will pick up at this time in phase III but phase III moves now into clearly substantive matters, but within the general basic policy or intent of the code.

CHAIRMAN HEGLAND: Yes doctor. Dr. Ross.

DR. ROSS: Mr. Chairman, appropo of the question that Ted Bystrom has raised, it might be in order if you or Ernie can clarify for us this question. It would be my understanding that in doing this stage III work, we're just inevitably going to get into questions of the type that Ted has raised. And they are pretty fundamental policy questions and they will involve policy. In handling these questions, we can't ignore them because they do have some important effects, yet they probably would have to be presented to the Legislature as a separate question and in a separate bill or a trailer bill and that probably we can visualize here, I say this perhaps with a purpose of clarifying what we are trying to do, we visualize the possibility that there will be a single bill wrapping up all of these minor, all these substantive matters which do not affect policy, which bring about uniformity of expression and procedure and simplification, that this would be wrapped up in one bill, but these other matters could very well be discussed and

their relations pointed out but in presenting them to the Legislature, they would undoubtedly have to be done as a separate bill and it may even be that this Legislative Committee would not be in the best position to sponsor that. Would you comment on that?

CHAIRMAN HEGLAND: Yes, I think that everyone at this table would agree and if they don't, I wish they would then speak, that each of the teams can look to legislative intent as either expressed in the Education Code or any other Code. Or they can look obviously I think to general practice, because general practice if it is not vetoed and if it is general, obviously must bear some relationship with the intent of the people of California. I think in addition to that, this Committee can certainly look to the responsible professional and lay organizations operating in this field and if there is some concurrence of opinion among them, such as this moving in the direction of a permissive code. This is a type of judgment by the representatives of the people of California, too. On the other hand, members of the Committee will no doubt wish to have each one of these identified so that we are not in the position of telling the Legislature that this is simply a rephrasing of legislative intent when in a matter of fact it goes somewhat beyond that. If we identify it and if we do get unanimity within the advisory committee, or near-unanimity and near-unanimity within the legislative committee, we should certainly proceed, because we want to make a better school system and not be held up by red tape. I wish Assemblyman Grant who has been very mute, would you comment on this?

ASSEMBLYMAN GRANT: I have listened of course with a great deal of interest and I think the problems confronting us are of

course tremendous and I think that I want to compliment the group here first and those that have worked on it, with the progress they have made to date. I think it is definitely going in the right direction. I also sympathize with Dr. Ross and his fear of not being able to comply with the program to enable us or to pass on legislation in somewhat the near future. I think that the objective in mind of course cannot be hurried, because if we do hurry it, we are likely to run into more difficulty than we can foresee at the present time. I realize that you gentlemen are giving your time which I think is a great tribute to our educational system and to the State of California. We realize that this program that we have now is somewhat like topsy, as has been expressed here, it has grown and grown. I also realize that one of the problems that you know of course, too, that could be very controversial unless we are very careful in the progress that we make. As Dr. Engelbert has said, that we must put this before the people generally, but I believe that by the various phases as you term them, you are working to the proper end and that you will obtain the objective eventually that we desire and that is simplification and clarification and more correct procedure as far as our code is concerned. I also realize of course that the duplication can be eliminated to some extent and of course you will have to have certain limitations. Local problems will have to be taken into consideration. But I do think that we are very fortunate to have this group devote their time for this very vital program we have before us. I don't believe

there is anything more important than the work that this group is working on, that there is any program that will benefit our people more generally than this program will.

MR. TORMEY: May I suggest that maybe we need to set a sort of a pattern to keep us from becoming confused, because I think there is a danger here. We are interchanging the words "stages" and "phases" and I can see a beautiful mixture of things, when what we are talking about seems to have its own history of precedent in the working of this Joint Committee over the past couple of years. It bases around the point I guess one might say of political necessity. If you remember, this was the necessity which compelled us to speak of phase I and II and III in the first place and that phase I if it was to be accomplished, had to be completely divorced from any degree of controversy, etc. You will remember the way in which both the statements from the Legislative Counsel and then the Senate where we first got our toe into the cold water, that Senator Dilworth took it on as a personal responsibility of assurance, and so forth. Maybe it would simplify our thinking if we at least consider the possibility that somewhere along the line, phase IV may be the simplest way of speaking of some things. I can think we have had a couple of examples here. There is one over in the finance thing, is the same. This question of substantive change might be one in which we say, just as we did in stage I to get a structural reorganization, we must completely divorce some other things, that we are proceeding by degrees to a point of where let us say it is a choice of cutting down eight kinds of change

which can be developed as Dr. Ross enumerated, that there is not so much controversy involved that a general bill that covers a number of things would fail to achieve its purpose because it tries to go just a little bit too far, but that somewhere along the line this committee might wish to say or might wish outside of the committee to say, in carrying on this phase III we have also discovered that this seems to be a much better solution than we are able to get from simplification, but that this is going to be handled in a different way.

CHAIRMAN HEGLAND: That's exactly correct. Any other comment?

DR. HOGAN: I would express similar concern to that which Mr. Bystrom here has indicated was an interest of the school administrators. I think we generally would feel that this would be the kind that set clearly, so that a pattern of broad powers and duties, particularly in this area of powers and duties, if we miss the boat, now in thinking in terms of broad powers and duties, we will probably miss it for a long while of establishing the kind of thing that has been said repeatedly I think before the Committee, namely that we preserve local control of school districts and that we set up a pattern which insures that. Because the trend through the years has been more and more to detail and write in detail the things that they can do and if it is possible in setting forth a common pattern of powers and duties for school districts at the same time, keep in mind if your committee would encourage the feeling to keep in mind broadening those as far as possible, it seems to me that would come out with a real

good job done.

DR. KENT: Let me just remind everybody that some of the problems are really constitutional too, this particular problem is a constitutional problem. Our search to this point leads us to this conclusion, that we cannot probably bring about the change that you are talking about George or Ted, without a Constitutional Amendment in the State of California. There are other complications as well. Clearly if this were to be done, if we were to count the powers of local boards as being essentially those which were not denied them by the Legislature, this, I sound argumentative, this is not my intent, this is counter to the basic premise of the local school district of being quasi-municipal corporation and so on. Our whole body of school law is developed not only in this State, but Nationally, has to be considered. We can't accomplish this either I think John by having trailer legislation, even if you set aside the constitutional question, for we are dealing with powers of boards as set forth in the statutes now, with great specificity. If we were to change our policy in the basic respect as has been suggested here, then quite obviously all of these specific powers as they are laid forth, the power of a school district to buy choir robes, these things would be deleted from the Code so the whole nature of the effort would be changed immediately if this were to be done. Since this is such a major policy question, I have personally, I don't see how it is possible at the present time with what we have been told we are to do, with the grant of funds for revision of the Education Code, how

we can undertake to wrestle with a policy question of this nature, other than to clarify the issue, to state to the Legislature why this is an important issue; to state if we wish, the nature of the problems that result from this, to set forth the case for consideration of a change in policy. It seems to me that this is a proper function of this body to do this. This is quite different, this setting forth of the issues than the assumption that we can now work on the basis of this kind of a policy change. Now I am expressing a personal opinion on this.

CHAIRMAN HEGLAND: I would like to ask Dr. Kent a question, then, to sharpen this. Is it not true though that as you combine these various powers, to carry what I think George Hogan had in mind, by the mere fact of generalizing these powers, as you combine the powers of the various school districts, are you not in effect, moving toward a permissive code?

DR. MORPHET: Mr. Chairman, may I comment on that? I'm not a constitutional lawyer, but as an individual who has studied a little bit, I'm not convinced yet that the question is entirely constitutional. I would like to refer Dr. Kent to a thesis completed just this last summer by Donald Hall of Sacramento in which he took four states that had discretionary provisions in the Code. And four states that had the mandatory type of code. Now I think we must be very careful in discussing this. There is no such thing as a permissive code, I think Dr. Kent is right in that regard. The term that is better to use than "permissive" according to those in the field of law with whom

I have consulted is "discretionary" rather than "permissive", but every Code has certain required duties and responsibilities and even in the California Code there is some delegation within certain limits not every single thing is spelled out fortunately. But the California Code does spell out much more than the codes of many other states, and specifically, local boards may not do anything that is not specifically authorized in the code. That seems to be the major difference between the California Code and the code of these other four states studied. Dr. Hall after studying this reached the conclusion that the states that had the discretionary provisions in the code, and it is usually a very simple provision, have not gotten into any serious difficulty as far as he was able to determine. The fact is they have moved in a number of cases to broaden the discretionary provision.

I think what we need here for all committees, is a sort of set of rules of the game. I can see this arising in connection with the work of each committee. And, John, can I commit us to this. John and I, if John will say "yes" to this, would be willing to try our hand at drafting a tentative statement which might be considered by the committee. If we don't have these rules of the game that don't tie us down too much but still give us some direction, I'm afraid that some committees are going to be much more conservative than others. I find myself quite conservative at times, and then not so conservative at other times. I may not be consistent in my thinking, but I think these rules would help and maybe we can set up criteria, which if we'd agree upon them would help us determine, and may be of

help to the Legislature eventually, in determining what details should be included, in what respects we could move toward a more general policy that will not include so many details that they are limitations.

CHAIRMAN HEGLAND: I think that is splendid, and since the time is 11:30 and since Dr. Briscoe is carrying the responsibility of a major project, I wonder Dr. Briscoe if we could hear about construction, school property finance, and bonding.

DR. BRISCOE: My understanding is there should be a comma after "finance".

I'm going to make this brief and quick if I can. First of all, I would like to comment upon the staff of the advisory group that we have set up. Second I would like to describe the order of attack on our problems and the plan of attack, then what we have accomplished to date. In setting up the staff, and the advisory group, I have sought specifically to get the following competencies, and we have been successful in achieving this. We have on our staff those representative of the County Counsel's office. We have a bond attorney from O'Melveny and Meyers. We have an experienced school business administrator, who has been past president of the national association. We have experienced school administrators, and we have people expert in state school finance, probably one of the national experts in the country, not probably, but actually. We have people who have great skill in research, technological research in school finance and then of course we have our attorney advice.

CHAIRMAN HEGLAND: I'm sorry to interrupt you momentarily Dr. Briscoe. There are a number of people who have come in since introduction and I wonder if each of them for the record could identify themselves.

MR. BARTLETT: Richard Bartlett, Executive Director, California School Employees Association. The lady beside me is my wife.

MR. NILES: Henry Niles, with Dr. Briscoe's group. I am an attorney.

MR. FISHMAN: Harold Fishman, Bureau of Governmental Research, U.C.L.A.

CHAIRMAN HEGLAND: Thank you.

DR. BRISCOE: I was rather interested in Jim Tormey's discussion because we have divided our attack on the problem on the basis of 3A and 3B, which come in line with what you have said.

Under 3A we have sought to bring together and coordinate those various sections of the code that should be brought together and should be coordinated. Now we did this in the original attack on the code, but one will find that after you have brought together the major sections of the code, then you need to look within the sections to revise them, to bring together and coordinate the various parts of the sections. If you have had experience in reading the code you read down so far and it says to see the Government Code, section so and so, Section so and so of the Administrative Code, Section so and so of the Education Code and you turn backwards and forwards and you are lost.

We don't know whether we can overcome this difficulty, but at least we are going to try and do it with the best possible legal advice we have. Then we feel that the job of simplifying the code may mean some re-writing which will include probably some minor substantive changes. We think that the code can be clarified within the sections, that at the present time we are working within the sections. We have considered the possibility of authoring some procedural analysis which may aid administrators in actually carrying out the functions as administrators that they are supposed to carry out. Now whether or not this is advisable to put in the code or as a supplement to the code, we are not sure. Our advisory committee will be of great help to us at this point. Some of the county offices as you will recall put out guides for the preparation of budgets for example, and other guides. Hank Niles our attorney, feels that a guide covering the state school building aid could be developed, and probably become an adjunct to or a part of the code. I would like to speak a little about the organization that we have set up for research. We are attacking these problems as a group, so as to get the benefit of group discussion and group thinking. But each member of the team also has individual responsibilities, and I would like to run over those with you.

One of the research members of the team, Dr. Frank Yett is undertaking the revision of the code sections that have to do with district bonding. The plan is to bring together in one place all of the code directions necessary for the conduct of school district bond elections. Only minor substantive

changes will be involved here. We began with district bonds because we felt that was probably the easiest place to start. We plan then to move on to the state aided school building procedures and attack finance last because finance would be more likely to involve substantive changes than any other section that we have to deal with.

Second, another research member of the team, Mr. Henry Niles, an attorney who was just introduced, is studying the code provisions which have to do with procedures under the state aided building program. His particular interest in this study is to make clear and understandable the procedures. Mr. Niles is checking with county counsels, and especially with bond attorneys. There is no point so far as the committee can see at this time in attempting to change existing school building aid laws. In fact we have been advised, Hank you correct me if I am wrong in this, by the bond attorneys, that no changes can be made in the existing law. Also we find that the bond attorneys find that the existing law, although they may not be clear to the administrators, they are very clear to them, and they question sometimes whether these changes should be made or not. Well, this is a matter which will need resolution.

The third member of the team of researchers is presently studying the state aid program of building and is contrasting the California plan with experience in other states. With a view to offering substantive changes in any new state aided building law that may be passed. This gentleman is Dr. LeRoy Lindman who drew up the state aid building laws for the State of

Washington, considered among the best of state plans for school building aid, and who has directed or participated in a number of state financial studies, and is in a sense, consultant to the committee on the possible constructive changes that might be made in the laws relative to bonds and to state aid for school building finance. I'll say a little more about this substantive business a little later. It's expected that our committee will have a preliminary report in March concerning suggested changes in the code, in regard to district bonding, bond and state aid for school buildings.

By July 1st, we expect that suggestions in these areas can be finalized, it is also expected that considerable work will have been done relative to making more simple the procedures in financing of schools.

Now as to substantive changes and some remarks upon the financial organization of schools. Any real substantive changes which are to be made in financing of schools will take a great deal of study and certainly will involve the participation of many people and many groups throughout the state. The problems of financing the schools are intimately tied up with many other problems, such as districting, elections, taxation, the adjustment of the tax structure of the State, and of districts to the economic factors, to long range district, area and state planning, and a number of other such factors. Not least among the problems of financing education will be found to be the philosophy of government, which shall determine governmental policies, especially those relative to organization of govern-

mental control. or which affect financing of the schools and other institutions of California as well. It will not be the purpose of the research committee responsible for the study of finance of bonds and property to suggest specific solutions to these problems, the committee will however, attempt to point out certain specific questions the people must answer if any adequate solutions are to be found. We are in a sense attacking the problem so as not to disturb the present philosophy in any way, but at the same time we are keeping our notebook over here and in this we are putting down some of the things that we think should really be considered in any substantive changes involving reorganization of the financial structure of education in California. Now we don't feel that a committee on code revision is either competent, it might be competent, but certainly it is not a committee delegated to do this, this is a function of the Legislature to decide and we hope however, to have some specific suggestions to bring forth. I could mention these, one or two of them, but I'll not do so, because time is short. I'd like to call on Mr. Yett for a comment or two and then Mr. Niles if he has anything to offer.

DR. YETT: Mr. Niles and I have, because we are located physically pretty close together in the Los Angeles Area and because of our extended work, in previous parts of this Education Code project, have continued a close working relationship with regard to our task, although Dr. Briscoe did mention a primary responsibility to us, I think we are both intertwining our efforts so that toward the end, it is going to be very hard to tell just

exactly who did what.

Our emphasis has been, as Dr. Briscoe said, to attack those things first which we felt would be easiest to attack and which very frankly, carried the least controversial aspect. We are all very much aware that we are now entering a stage in this Education Code revision where people's toes can start to be stepped upon and people's sensibilities can be affected, much more materially than they were in agreeing to simply re-ordering the sections and putting better names and titles on the Chapters. So to that end, Mr. Niles and I to date have concentrated our attentions on the district bonding procedures, the local district bonding procedures and the state school bond procedures. We have attempted to fortify any theoretical knowledge that we or study that we have put to these various items, by going to people who are practicing the art of these sections. We have conducted interviews with the Los Angeles County Counsel, Los Angeles City School Counsel, we have met our friend Dr. Hauck, whom some of you know. We have dug up our hearings on bills which have something to do with this, we have gone into reports, we have talked extensively with O'Melveny and Myers in the South, and today, which is primarily our reason for being here, in San Francisco, Mr. Niles and I have got some further interviews this afternoon with the attorneys Orrick, Dahlquist, Herrington and Sutcliffe. We are going to also speak with a few people from the State Department today who are coming out of meetings to talk with us briefly. We have talked with people in the local allocations division whom you know carry the primary

responsibility of administering the law by which the bonds are kept track of, that the State has sold in order to finance the state aided construction. So our attack at this point I think is evident, we are trying to make sure that those things that we come to conclusions about are going to be within the framework of practitioners' opinions. That is, we don't feel that we should make a theoretical approach to the problem at this time. Probably ten dozen good codes could be written for the State of California, but only one will be written, and that of course will be written by the people through their legislative efforts, through their legislative committees. We hope to bring to bear some of the feelings about the people who must administer these sections, who must live with them, and who must practice the art of the code. I feel that that is one thing that perhaps has been neglected in decades past, that there have been a great deal of neglect some times to that effect. I'm glad to see that some of the administrative representative groups are here to voice their feelings about that.

DR. BRISCOE: Mr. Niles, do you have anything further to add?

MR. NILES: The only thing further I might add is that we are conservative, we don't have any theoretical predilections one way or another and my own particular concern, and that of the bond attorneys of O'Melveny and Meyers, Orrick, Herrington, is that it be technically sound, that whatever theory or orientation the Legislature does decide is proper for California, that it be a workable and technically correct bit of legislation. We hope

that we can bring out many problems and bring them into the open for the Legislature to recognize, perhaps draft two or three sets of technically correct legislation based upon all kind of theory, particularly with respect to bond liability of districts which the legislative committee may use.

CHAIRMAN HEGLAND: Thank you Mr. Niles. Just very briefly, before giving this back to Dr. Briscoe, I was very much impressed with Mr. Yett's report. If you, sir, ever decide to leave education, you'll have a great future in politics.

I also want to congratulate your team on its working with O'Melveny and Meyers and I believe all of us in this room and all of us in California should be very grateful to the Los Angeles District Attorney's Office for making available to us the services of Nick Langstaff who in this field is a man who simply towers. Dr. Briscoe.

DR. BRISCOE: All I want to say was that you understand that commenting on these legal technical matters, that we are referring to any future school aid laws that might be written and not the present one.

CHAIRMAN HEGLAND: Any questions put to any of the three. Dr. Briscoe, Mr. Yett, or Mr. Niles, from anyone here, please?

MR. KIRKPATRICK: My name is Gordon Kirkpatrick. I'm only an observer here, but I do have a few brief comments I would like to make because I find myself rather awed by this august body of people. I find myself sitting with lawyers, educators, Assemblymen and other degreed and learned people. I don't happen to fit in any of these catagories, I'm a turkey and cattle

farmer from out in the hills, but I do happen to be the one that will be affected and concerned by these various things I hear proposed. I'm always rather startled that very seldom is the man that these things generally affect, ever at gatherings of this kind. So I would like to respectfully ask this group who is set up with apparently authority to consolidate or overhaul, to clarify our Education Code, and I think it does probably need it. I sat on a small school board for six years and was Chairman of it for three, so I know something about the Code. In your doing these things, might I ask you for the many, many hundreds of thousands of us who aren't here that you don't do anything that will regimentate too far, or will tend to produce mass production line of education. You know I haven't heard the children mentioned here today at all. I've heard everything else, but I haven't heard that. Let's not destroy too many small school districts, you know they rather pride themselves on being able to serve as public servants and to think and act. Local government is pretty important in keeping the United States from going too many steps down the road of Socialism. Concentration of power too far away from home, I don't think is too desirable. We have a classic example of that in another country of the world. You know there are pretty strong bastions of freedom of speech and thinking and self-government at home. The school districts, I think they serve a purpose. There's probably some justification of sacrificing some, but let's not get too strong into it, gentlemen. You know there's always a little taint when I go to these kind of things which I voluntarily go to often, an

attempt to tell a person what is good for him, to tell the man who isn't there, or can't get there, what is good for him. Let's leave the decision of some of these things in the hands of these local boards, let us not take the power and the rights of local people in any school district to at least have some say whether they think these things are good for them or not. Thank you.

CHAIRMAN HEGLAND: Thank you sir, for a very fine statement. I think you would be rather startled to know that those around this table would in general support the philosophy you have indicated.

I believe sir, that you have heard over and over again, the expressed desire, not only today, but at every time for three years now our committee has been meeting, of moving in the direction of what could be called "permissive" or "discretionary". No one, to my knowledge who has ever sat or attended any of these committee meetings sir, has ever suggested that we move in the direction of a mandatory code. The entire feeling of this group as you have just heard expressed by the representative of the State Department of Education, has been that we move in the direction of a discretionary code, which is to protect and extend and buttress local controls which we have unfortunately been losing over the years. So this committee's motivation is in that exact direction, we are especially delighted to have you here.

MR. KIRKPATRICK: Thank you very much. I ascertained that here, but still there is a good deal of outward pressure

to do things somewhat contrary to what has been suggested here, and I just was asking the group to steadfastly analyze all these various moves in the light of the things I have said. Thank you.

DR. ENGELBERT: May I make one plea to the advisory committees. You are serving in a very important function to the staff and giving the staff advice, in keeping them concerned with some of the operating problems that local officials and school laymen have. May I add or suggest that you bear in mind, that the staff wishes to cooperate in every way possible, at times something might be proposed that is proposed for testing purposes. I would hope that the advisory committee since they do represent the membership, do represent some divergent points of view, and I know this well, you will give us a little time and be patient in working out things that might represent a consensus within the committee and which will have the support of the committee, that we don't move to controversial, I don't mean discussions, but move in a controversial way immediately from the beginning, that these committees will only be successful and effective as we can have the support as well as the realization on the part of both groups that we're trying to do the job appropriately.

CHAIRMAN HEGLAND: Thank you, any other comments? We don't want to shut anyone off at all. This is not one of the statements such as "Don't you dare ask any more questions!".

MR. HOFFMANN: Mr. Chairman, I have been thinking as I sat here that many of the folks who sit on this committee perhaps do not realize some of the problems with which the various Assemblymen and Senators are confronted when they endeavor to put

over a comprehensive bill, a great deal of which might be controversial. It might be well for each one of these subcommittees to have somebody with them who has experience. Some of these problems that the Legislature, and I think also particularly in committees to which I am assigned, I'm very happy to be on it, I think the assignment of some attorneys who have some experience in the practice of the law is a very good thing.

ASSEMBLYMAN GRANT: Mr. Chairman, I believe it certainly is the intent of this entire group to coordinate and simplify. It is certainly not with any intention at all to take the authority away from local people. It is felt of course that there is a great deal of simplification that can be brought about. It is true that one area might have a philosophy or a procedure that might fit well into another one and those can be coordinated. It is not a question of eliminating the local provisions of authority at all, as my understanding is. I believe I can speak for nearly everyone who surrounds this table when I say that.

MR. TORMEY: Mr. Chairman, may I just suggest that there is something here, that this may already be in the Committee's own mind, or its plan, but this could develop another kind of tangle. Dr. Morphet suggested that we needed some basic ground rules for how we were going to operate, may I suggest that there is another problem, and I have just jotted down three areas for example, in which considerations of one subcommittee may seriously affect the considerations of one or more of the other subcommittees. For example, bonds in one committee, elections in

another. Finance and organization and believe you me that has plenty of correlation. The question or organization as connected with the powers of boards. These are cross relationships. You can develop this or try to correlate this at several different stages, but you can't wait till it hits the committee as a whole, or the advisory group as a whole. Or you can try to work out something that indicates in advance certain areas in which there needs to be a degree of liaison, particularly specifically between some of these subcommittees. It seems to me this is quite important.

DR. ENGELBERT: It would be developed, early in the game, the kind of issues that need to be considered by the other teams and at what points there should be joint consideration. This is already taking place.

CHAIRMAN HEGLAND: Also I would like to comment that at these advisory subcommittee meetings, we have asked the team captains to let the legislative members know so that those in the area who wish to attend are certainly urged to attend. Certainly the doors will never be closed to other advisory committee members or to administrators or to anyone else because we are operating under the Brown Act in the State Legislature, that we do not have secret meetings.

I want to thank you all for coming. I think the presence of you people here, I don't think I have ever attended a meeting in which we have really such a remarkable representation which we have in this room today. I think a great deal of this is because of the caliber of the team captains we have and the

fine work of Dr. Engelbert and thanking our Sergeant, also, who is a forgotten man.

I am going to ask the team captains and their immediate staff to meet immediately for three minutes with Dr. Engelbert in this corner, and we are now adjourned.

Certain defects were observed in this volume when it was received by University Microfilms, Inc. Since we were unable to locate a perfect copy, this volume was filmed as received.

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